

# EXHIBIT A

CENIA GARCIA

Plaintiff

vs.

HOME EXPRESSIONS, INC., ET AL

Defendant

Superior Court of New Jersey  
Law Division  
Middlesex County  
Docket Number: MID-L-001008-21

Person to be served (Name & Address):  
HOME EXPRESSIONS, INC.  
195 RARITAN CENTER PARKWAY  
EDISON, NJ 08837

**AFFIDAVIT OF SERVICE**

(For Use by Private Service)



STS2021005884

Cost of Service pursuant to R. 4:4-3(c)

\$ \_\_\_\_\_

**Papers Served:** Letter, Summons, Complaint, Demand to Preserve Evidence, Jury Demand, Rule 4:5-1 Certification, Designation Of Trial Counsel, Plaintiff's First Set of Interrogatories Directed to Defendants, Definitions, Instructions, Interrogatories, Certification, Plaintiff's First Request For Production Of Documents, Certification, CIS, Track Assignment Notice, Lawyers Referral List

**Service Data:**

Served Successfully X Not Served \_\_\_\_\_ Date: 2/25/2021 Time: 1:25 pm Attempts: \_\_\_\_\_

\_\_\_\_\_ Delivered a copy to him / her personally

Name of Person Served and relationship / title:

\_\_\_\_\_ Left a copy with a competent household member over 14 years of age residing therein

Tal Chalough

X Left a copy with a person authorized to accept service, e.g. managing agent, registered agent, etc.

Authorized Agent/Vice President

**Description of Person Accepting Service:**

Sex: M Age: 35 Height: 5'9" Weight: 175 Skin Color: White Hair Color: Black

**Comments or Remarks:**

**Server Data:**

Subscribed and Sworn to before me on 3/11/2021  
by the affiant who is personally known to me.

NOTARY PUBLIC

Carla P. Gomes  
NOTARY PUBLIC  
STATE OF NEW JERSEY  
MY COMMISSION EXPIRES 02/12/2025

I, Christopher Obie, was at the time of service a competent adult not having a direct interest in the litigation. I declare under penalty of perjury that the foregoing is true and correct.

Signature of Process Server

Date

STATUS, L.L.C.  
PO Box 370  
Bayville, NJ 08721  
(908) 688-1414  
Our Job Serial Number: STS-2021005884  
Ref: NA

**COSTELLO & MAINS, LLC**

By: Jacquelyn R. Matchett

Attorney I.D. No. 107622014

18000 Horizon Way, Suite 800

Mount Laurel, NJ 08054

(856) 727-9700

Attorneys for Plaintiff

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CENIA GARCIA,

Plaintiff,

vs.

HOME EXPRESSIONS, INC. and JOHN  
DOES 1-5 and 6-10.

Defendants.

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SUPERIOR COURT OF NEW JERSEY  
MIDDLESEX - LAW DIVISION

CIVIL ACTION

DOCKET NO: MID-L-1008-21

SUMMONS

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**From The State of New Jersey to the Defendant Named Above:**

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at [http://www.judiciary.state.nj.us/prose/10153\\_deptyclerklawref.pdf](http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf)) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiffs' attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$175.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at [http://www.judiciary.state.nj.us/prose/10153\\_deptyclerklawref.pdf](http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf)

/s/ Michelle M. Smith  
Clerk of the Superior Court

DATED: February 23, 2021

Name of Defendant to be Served:  
Address of Defendant to be Served:

Home Expressions, Inc.  
195 Raritan Center Parkway  
Edison, NJ 08837

**ATLANTIC COUNTY:**

Deputy Clerk of the Superior Court  
Civil Division, Direct Filing  
1201 Bacharach Blvd., First Fl.  
Atlantic City, NJ 08401

**LAWYER REFERRAL**

(609) 345-3444  
**LEGAL SERVICES**  
(609) 348-4200

**BERGEN COUNTY:**

Deputy Clerk of the Superior Court  
Civil Division, Room 115  
Justice Center, 10 Main St.  
Hackensack, NJ 07601

**LAWYER REFERRAL**

(201) 488-0044  
**LEGAL SERVICES**  
(201) 487-2166

**BURLINGTON COUNTY:**

Deputy Clerk of the Superior Court  
Central Processing Office  
Attn: Judicial Intake  
First Fl., Courts Facility  
49 Rancocas Road  
Mt. Holly, NJ 08060

**LAWYER REFERRAL**

(609) 261-4862  
**LEGAL SERVICES**  
(800) 496-4570

**CAMDEN COUNTY:**

Deputy Clerk of the Superior Court  
Civil Processing Office  
Hall of Justice  
1<sup>st</sup> Fl., Suite 150  
101 South 5<sup>th</sup> Street  
Camden, NJ 08103

**LAWYER REFERRAL**

(856) 964-4520  
**LEGAL SERVICES**  
(856) 964-2010

**CAPE MAY COUNTY:**

Deputy Clerk of the Superior Court  
9 N. Main Street  
Cape May Courthouse, NJ 08210

**LAWYER REFERRAL**

(609) 463-0313  
**LEGAL SERVICES**  
(609) 465-3001

**CUMBERLAND COUNTY:**

Deputy Clerk of the Superior Court  
Civil Case Management Office  
Broad & Fayette Streets  
P.O. Box 10  
Bridgeton, NJ 08302

**LAWYER REFERRAL**

(856) 692-6207  
**LEGAL SERVICES**  
(856) 451-0003

**ESSEX COUNTY:**

Deputy Clerk of the Superior Court  
Civil Customer Service  
Hall of Records, Room 201  
465 Dr. Martin Luther King Jr. Blvd.  
Newark, NJ 07102

**LAWYER REFERRAL**

(973) 622-6204  
**LEGAL SERVICES**  
(973) 624-4500

**GLOUCESTER COUNTY:**

Deputy Clerk of the Superior Court  
Civil Case Management Office  
Attn: Intake  
First Fl. Court House  
Woodbury, NJ 08096

**LAWYER REFERRAL**

(856) 848-4589  
**LEGAL SERVICES**  
(856) 848-5360

**HUDSON COUNTY:**

Deputy Clerk of the Superior Court  
Superior Court, Civil Records Dept.  
Brennan Court House – 1<sup>st</sup> Floor  
583 Newark Avenue  
Jersey City, NJ 07306

**LAWYER REFERRAL**

(201) 798-2727  
**LEGAL SERVICES**  
(201) 792-6363

**HUNTERDON COUNTY:**

Deputy Clerk of the Superior Court  
Civil Division  
65 Park Avenue  
Flemington, NJ 08822

**LAWYER REFERRAL**

(908) 735-2611  
**LEGAL SERVICES**  
(908) 782-7979

**MERCER COUNTY:**

Deputy Clerk of the Superior Court  
Local Filing Office, Courthouse  
175 S. Broad Street, P.O. Box 8068  
Trenton, NJ 08650

**LAWYER REFERRAL**

(609) 585-6200  
**LEGAL SERVICES**  
(609) 695-6249

**MIDDLESEX COUNTY:**

Deputy Clerk of the Superior Court  
Middlesex Vicinage  
2<sup>nd</sup> Floor – Tower  
56 Paterson Street  
New Brunswick, NJ 08903

**LAWYER REFERRAL**

(732) 828-0053  
**LEGAL SERVICES**  
(732) 866-0020

**MONMOUTH COUNTY:**

Deputy Clerk of the Superior Court  
Court House  
71 Monument Park  
P.O. Box 1269  
Freehold, NJ 07728

**LAWYER REFERRAL**

(732) 431-5544  
**LEGAL SERVICES**  
(732) 866-0020

**MORRIS COUNTY:**

Deputy Clerk of the Superior Court  
Civil Division  
Washington and Court Streets  
P.O. Box 910  
Morristown, NJ 07963

**LAWYER REFERRAL**

(973) 267-5882  
**LEGAL SERVICES**  
(973) 285-6911

**OCEAN COUNTY:**

Deputy Clerk of the Superior Court  
Court House, Room 119  
118 Washington Street  
Toms River, NJ 08754

**LAWYER REFERRAL**

(732) 240-3666  
**LEGAL SERVICES**  
(732) 341-2727

**PASSAIC COUNTY:**

Deputy Clerk of the Superior Court  
Civil Division  
Court House  
77 Hamilton Street  
Paterson, NJ 07505

**LAWYER REFERRAL**

(973) 278-9223  
**LEGAL SERVICES**  
(973) 323-2900

**SALEM COUNTY:**

Deputy Clerk of the Superior Court  
92 Market Street  
P.O. Box 29  
Salem, NJ 08079

**LAWYER REFERRAL**

(856) 678-8363  
**LEGAL SERVICES**  
(856) 451-0003

**SOMERSET COUNTY:**

Deputy Clerk of the Superior Court  
Civil Division  
P.O. Box 3000  
40 North Bridge Street  
Somerville, NJ 08876

**LAWYER REFERRAL**

(908) 685-2323  
**LEGAL SERVICES**  
(908) 231-0840

**SUSSEX COUNTY:**

Deputy Clerk of the Superior Court  
Sussex County Judicial Center  
43-47 High Street  
Newton, NJ 07860

**LAWYER REFERRAL**

(973) 267-5882  
**LEGAL SERVICES**  
(973) 383-7400

**UNION COUNTY:**

Deputy Clerk of the Superior Court  
1<sup>st</sup> FL., Court House  
2 Broad Street  
Elizabeth, NJ 07207

**LAWYER REFERRAL**

(908) 353-4715  
**LEGAL SERVICES**  
(908) 354-4340

**WARREN COUNTY:**

Deputy Clerk of the Superior Court  
Civil Division Office  
Court House  
413 Second Street  
Belvedere, NJ 07823

**LAWYER REFERRAL**

(973) 267-5882  
**LEGAL SERVICES**  
(973) 475-2010

**COSTELLO & MAINS, LLC**

By: Kevin M. Costello, Esquire

Attorney I.D. No. 024411991

18000 Horizon Way, Suite 800

Mount Laurel, NJ 08054

(856) 727-9700

Attorneys for Plaintiff

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CENIA GARCIA,

Plaintiff,

vs.

HOME EXPRESSIONS, INC. and JOHN  
DOES 1-5 and 6-10.

Defendants.

:  
: SUPERIOR COURT OF NEW JERSEY  
: MIDDLESEX - LAW DIVISION  
:  
: CIVIL ACTION  
:  
: DOCKET NO:  
:  
: COMPLAINT AND JURY DEMAND

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Plaintiff, Cenia Garcia, residing in Middlesex County, New Jersey, by way of Complaint against the Defendants, says:

**Preliminary Statement**

This matter is opened to the Court for violations of the Families' First Corona Virus Response Act ("FFCRA").

**Identification of Parties**

1. Plaintiff Cenia Garcia is, at all relevant times herein, a resident of the State of New Jersey and a former employee of the Defendants.
2. Defendant Home Expressions, Inc. is, upon information and belief, a business entity maintaining citizenship and domicile in the State of New Jersey, conducting business at 195 Raritan Center Parkway, Edison, New Jersey 08837, and at all relevant times herein was the employer of Plaintiff.



3. Defendants John Does 1-5 and 6-10, currently unidentified, are individuals and/or entities who, on the basis of their direct acts or on the basis of *respondeat superior*, are answerable to the plaintiff for the acts set forth herein.

**General Allegations**

4. Plaintiff began working as a logistics coordinator and administrative assistant for Defendants in or around December 2018.

5. At all relevant times herein, Plaintiff performed her duties up to or beyond the reasonable expectations of her employer.

6. Due to the Covid-19 pandemic, Plaintiff began working from home in or around the second week of March 2020.

7. Plaintiff is able to perform her all the essential functions of her position remotely without issue.

8. In or around early June 2020, Plaintiff's supervisor, Ike Asaff, requested Plaintiff return to the office five days per week.

9. As Plaintiff's three school aged children, ranging from ages 6 to 13, were still going to school virtually, Plaintiff made a request for leave under the Expanded Family Medical Leave Act ("FMLA").

10. In response to the request, Defendants instructed Plaintiff to continue to work from home.

11. In or around July 2020, Plaintiff began going into the office approximately two days per week.

12. Plaintiff continued to work from home for the remaining three days without issue.

13. Plaintiff had a meeting with Assaf on or around September 16, 2020, where he informed Plaintiff she had to come back to the office five days per week.

14. As Plaintiff's children were back in virtual learning, Plaintiff responded to Assaf she would have to see if this could be accommodated.

15. On or around September 18, 2020, Assaf called Plaintiff explaining she could work two days from the office, but she would only paid for the days she was physically there.

16. At no point in time were Plaintiff's FFCRA benefits explained to her by Defendants.

17. Due to the significant pay cut which would result from working two days per week, Plaintiff requested she earn more per hour.

18. Assaf responded that the owner, Jack Chalouh, would disapprove of the request.

19. On or around September 23, 2020, Plaintiff's replacement was hired.

20. On or around September 25, 2020, Plaintiff asked Assaf about her work status and whether he had discussed her pay request with Chalouh.

21. Assaf did not respond to Plaintiff.

22. On or around September 28, 2020, Plaintiff met with Assaf again to discuss her status.

23. Assaf indicated he had not heard anything from Chalouh.

24. On or around October 2, 2020, Plaintiff was terminated.

25. Plaintiff's coworker texted her on that date stating Chalouh was screaming in the office that he did not want to hear Plaintiff's name or see her face again.

26. Chalouh also stated he did not care if Plaintiff had children.

27. At no point during Plaintiff's employ was she informed of the FFCRA or benefits available to her.

28. At no point, in time was Plaintiff unable to perform the essential functions of her job while working remotely.

29. A determinative and/or motivating factor in Plaintiff's termination was Defendants' attempt to interfere with Plaintiff receiving benefits pursuant to the FFCRA.

30. As a result of the actions of Defendants, Plaintiff has been forced to suffer economic and emotional harm.

31. Because the actions of Defendant were egregious and because member of upper management participated in and/or were willfully indifferent to the same, punitive damages are warranted.

## **COUNT I**

### **FFCRA Violation**

32. Plaintiff hereby repeats and re-alleges paragraphs 1 through 31, as though fully set forth herein.

33. The conduct set forth above constitutes a violation of the FFCRA and is the responsibility of Defendants both in compensatory and punitive damages for the reasons set forth above.

WHEREFORE, Plaintiff demands judgment against the Defendants jointly, severally and in the alternative, together with compensatory damages, non-economic compensatory damages, punitive damages, interest, cost of suit, attorneys' fees, enhanced attorneys' fees, equitable back pay, equitable front pay, equitable reinstatement and any other relief the Court deems equitable and just.

## **COUNT II**

### **Request for Equitable Relief**

34. Plaintiff hereby repeats and re-alleges paragraphs 1 through 33 as though fully set forth herein.

35. Plaintiff requests the following equitable remedies and relief in this matter.

36. Plaintiff requests a declaration by this Court that the practices contested herein violate New Jersey law as set forth herein.

37. Plaintiff requests that this Court order the defendants to cease and desist all conduct inconsistent with the claims made herein going forward, both as to the specific plaintiff and as to all other individuals similarly situated.

38. To the extent that plaintiff was separated from employment and to the extent that the separation is contested herein, plaintiff requests equitable reinstatement, with equitable back pay and front pay.

39. Plaintiff requests, that in the event that equitable reinstatement and/or equitable back pay and equitable front pay is ordered to the plaintiff, that all lost wages, benefits, fringe benefits and other remuneration is also equitably restored to the plaintiff.

40. Plaintiff requests that the Court equitably order the defendants to pay costs and attorneys' fees along with statutory and required enhancements to said attorneys' fees.

41. Plaintiff requests that the Court order the defendants to alter their files so as to expunge any reference to which the Court finds violates the statutes implicated herein.

42. Plaintiff requests that the Court do such other equity as is reasonable, appropriate and just.

WHEREFORE, plaintiff demands judgment against the defendants jointly, severally and in the alternative, together with compensatory damages, punitive damages, interest, cost of suit, attorneys' fees, enhanced attorneys' fees, equitable back pay, equitable front pay, equitable reinstatement, and any other relief the Court deems equitable and just.

**COSTELLO & MAINS, LLC**

Dated: February 17, 2021

By: /s/Kevin M. Costello  
Kevin M. Costello

**DEMAND TO PRESERVE EVIDENCE**

1. All defendants are hereby directed and demanded to preserve all physical and electronic information pertaining in any way to plaintiff's employment, to plaintiff's cause of action and/or prayers for relief, to any defenses to same, and pertaining to any party, including, but not limited to, electronic data storage, closed circuit TV footages, digital images, computer images, cache memory, searchable data, emails, spread sheets, employment files, memos, text messages and any and all online social or work related websites, entries on social networking sites (including, but not limited to, Facebook, twitter, MySpace, etc.), and any other information and/or data and/or things and/or documents which may be relevant to any claim or defense in this litigation.

2. Failure to do so will result in separate claims for spoliation of evidence and/or for appropriate adverse inferences.

**COSTELLO & MAINS, LLC**

By: /s/Kevin M. Costello  
Kevin M. Costello

**JURY DEMAND**

Plaintiff hereby demands a trial by jury.

**COSTELLO & MAINS, LLC**

By: /s/Kevin M. Costello  
Kevin M. Costello

**RULE 4:5-1 CERTIFICATION**

1. I am licensed to practice law in New Jersey and am responsible for the captioned matter.
2. I am aware of no other matter currently filed or pending in any court in any jurisdiction which may affect the parties or matters described herein.

**COSTELLO & MAINS, LLC**

By: /s/Kevin M. Costello  
Kevin M. Costello

**DESIGNATION OF TRIAL COUNSEL**

Kevin M. Costello, Esquire, of the law firm of Costello & Mains, LLC, is hereby-designated trial counsel.

**COSTELLO & MAINS, LLC**

By: /s/Kevin M. Costello  
Kevin M. Costello

## Civil Case Information Statement

**Case Details: MIDDLESEX | Civil Part Docket# L-001008-21**

**Case Caption:** GARCIA CENIA VS HOME EXPRESSIONS,  
IN C.

**Case Initiation Date:** 02/17/2021

**Attorney Name:** KEVIN MICHAEL COSTELLO

**Firm Name:** COSTELLO & MAINS, LLC

**Address:** 18000 HORIZON WAY STE 800

MT LAUREL NJ 080544319

**Phone:** 8567279700

**Name of Party:** PLAINTIFF : GARCIA, CENIA

**Name of Defendant's Primary Insurance Company**  
(if known): Unknown

**Case Type:** EMPLOYMENT (OTHER THAN CEPA OR LAD)

**Document Type:** Complaint with Jury Demand

**Jury Demand:** YES - 6 JURORS

**Is this a professional malpractice case?** NO

**Related cases pending:** NO

**If yes, list docket numbers:**

**Do you anticipate adding any parties (arising out of same  
transaction or occurrence)?** NO

**Are sexual abuse claims alleged by:** CENIA GARCIA? NO

**THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE  
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION**

**Do parties have a current, past, or recurrent relationship?** YES

**If yes, is that relationship:** Employer/Employee

**Does the statute governing this case provide for payment of fees by the losing party?** NO

**Use this space to alert the court to any special case characteristics that may warrant individual  
management or accelerated disposition:**

**Do you or your client need any disability accommodations?** NO

**If yes, please identify the requested accommodation:**

**Will an interpreter be needed?** NO

**If yes, for what language:**

**Please check off each applicable category:** Putative Class Action? NO Title 59? NO Consumer Fraud? NO

**I certify that confidential personal identifiers have been redacted from documents now submitted to the  
court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b)**

**02/17/2021**  
**Dated**

**/s/ KEVIN MICHAEL COSTELLO**  
**Signed**